

House Bill 1229

By: Representatives Neal of the 1<sup>st</sup>, Day of the 163<sup>rd</sup>, Frazier of the 123<sup>rd</sup>, and Horne of the 71<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

To amend Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Crime Information Center, so as to authorize the State Personnel Administration to conduct fingerprint based searches of criminal history records of the Georgia Crime Information Center, a division of the Georgia Bureau of Investigation, and the Federal Bureau of Investigation for persons applying for certain positions of trust within state government; to provide for the authority of the Georgia Crime Information Center Council; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 3 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia Crime Information Center, is amended by adding a new Code section to read as follows:

- "35-3-35.1.
- (a) As used in this Code section, the term 'FBI' means the Federal Bureau of Investigation.
- (b) The State Personnel Administration is authorized to designate certain state employee positions as positions of trust because of the special trust or responsibility of the involved duties or the sensitive location of those positions. Positions of trust shall be designated positions within the following areas:
- (1) Child care facilities;
- (2) Educational facilities;
- (3) Elderly care;
- (4) Emergency medical response care;
- (5) Foster care;
- (6) Hospitals;
- (7) Juvenile justice agencies;

27 (8) Recreational facilities; and

28 (9) Transportation of children and elderly.

29 (c) Prior to employing a person in a position of trust, the appointing authority of an agency  
30 shall submit a request to the center for a fingerprint based criminal history records check  
31 of the records of the center and FBI for the purpose of determining the suitability of such  
32 person for employment. The request shall include the fingerprints, records search fees, and  
33 any other required forms or information. The records search fees shall be paid by the  
34 applicant prior to submission of the request. Fingerprints shall be in such form and of such  
35 quality as required by the center and FBI. Upon receipt of the request, the center shall  
36 conduct a search of its own records and initiate a search of the FBI's records.

37 (d) Criminal history record information received by the agency shall only be used for the  
38 purpose of determining suitability of an applicant for employment. All such records shall  
39 be maintained by the agency in accordance with applicable laws and the rules and  
40 regulations of the center and the FBI.

41 (e) If a person applying for employment in a position of trust refuses to submit fingerprints  
42 for the purpose of conducting a records check pursuant to this Code section, he or she shall  
43 be disqualified from consideration for employment in such position.

44 (f) The council is empowered to adopt rules, regulations, and forms necessary to  
45 implement this Code section and to ensure the identity, confidentiality, and security of all  
46 records and data provided in accordance with this Code section."

47 **SECTION 2.**

48 This Act shall become effective on July 1, 2010, and shall apply to applicants for  
49 employment on or after such date.

50 **SECTION 3.**

51 All laws and parts of laws in conflict with this Act are repealed.